

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,  
Plaintiff,

v.

TOMMY CASILLAS-NEGRON,  
Defendant.

CRIMINAL No. 21-77 (FAB)

**SENTENCING MEMORANDUM**



From: Tommy Casillas

To: Coral Rodriguez

Subject: "Yesterday, Saturday I graduated from Gibson board thank God it was a special moment and I want to share it with you."

Date: Sunday, June 20, 2021 10:38:24 PM

This is was Tommy's email to me and it shows his frame of mind during his bail process, that he is totally repented and is working towards his rehabilitation. Even with the mask it is evident that he was happy and proud of finishing his studies. This was a step of being himself again by abiding by the values that he learned through Church and family members, values about hard work since he started working when he was nine years old, and life lessons he learned by overcoming difficult situations on his own through his life. He is a respectful, loving kind, humbled hard worker young man. Tommy has a particular look and smile that projects his desire to learn,

create and achieve in life and he has the support of people from the community, his employers, neighbors, people from the community outreach programs in which he participated and church members because they know that Tommy has been active in helping others and they know and understand that he was a teenager who committed a mistake. He was 19 years old when he was arrested.

### ***Early Childhood***

By the time that Maralyn, Tommy's mother, got pregnant, she was working in a supermarket and his father, Tomas, was a truck driver. It was an unexpected pregnancy since Tommy's parents had decided to break up. When Tommy two years old, his father left the home and Maralyn was trying to take care of his oldest siblings Noel and Kiara by herself in San



Isidro. Although it was a hard time, Tommy's birth brought joy in Marilyn's life. She described that he was tranquil and calmed on his toddler days. He was always well behaved. Since Maralyn was struggling in providing for the children, Tommy's maternal grandmother Madeline Negron



Santiago help out as she could economically. She was a professional nurse in Centro Medico and living in San Isidro Ward near them and Maralyn was confronting economic difficulties and employment stability. Tommy's father took care of children sometimes when Maralyn was working before he left the home.

As a kid Tommy was happy, playful and smart. He also was proactive and responsible. He enjoyed playing music, participated in art activities and sports.



His father use to look out for him but twice per month since his father was spending time with a new girlfriend. For Tommy his father was a figure of protection and a role model since he was truck driver and he enjoyed being with his father. But his father never sought for his kid's wellbeing nor provided for child support. Tomas was absent in the life of Tommy since he was six (6) until the age of nine (9). Tomas used to call his son occasionally once or twice monthly. But Tommy barely has memories nor remembers his father being present. He only knew that his father lost his job as a truck driver, was selling avocados in the street and thereafter he left to United States.

At the age of nine (9) Tommy had his first employment to help his mother and to earn things by himself and started developing job skills and a hard work attitude. He started to work in the San Isidro Pizzeria earning \$5-10 a day. As an employee Tommy was always curious, humble, happy and a server. Not only was he working in the pizzeria, but he also worked at the Chinese restaurant in top of the pizzeria earning \$20 a day cleaning the restaurant. Thereafter, he worked in the video club located in the ward where Tommy was formally hired as an employee in charge to accommodate the videos and selling hats. Tommy has been characterized to be proactive and available to work and to assist others earning his money the way his grandmother and mother taught him. Maralyn allowed him to work as a kid since they were lacking for income in the house and his father was missing in action. Even with the difficult situation he continued at school trying

to excel in his studies and was proud of receiving his diploma in his graduation.

Tommy also was involved in community activities in school, community kids camp programs in the ward and in Church. Tommy developed his interest in basketball, so he enrolled himself to play basketball when he was only eleven (11) years old.



During that time her paternal aunt Damaris Casillas always took a role model as a mother and care giver in his life. Damaris used to take care of Tommy and his siblings She was the one who imparted values and spiritual believes in God. She used to take them to the Church “Defensores de la Fe” located in San Isidro. For Tommy it was part of his life to assist to Church. She used to take them to spiritual retreats and camps. Damaris had a son who was the same age of Tommy. He and his cousin were also at the same basketball team. Tommy never missed a basketball practice nor a basketball game. He was motivated and always looking forward to play, enjoying the game and learning from others.

### ***Early life difficult situations***

At the age of eleven (11) Tommy and his family loss their house in San Isidro. Maralyn had a verbal agreement with the owner to buy the house and she gave all her savings to the landlord but after several years Maralyn and her kids were kick-out by the owner who did not honored the agreement. Maralyn tried to sue the landlord, but the case did not proceed at state court.

During this time, Tommy’s father was absent and did not passed child support. Maralyn didn’t know where to go, until she found a place located at the second floor of a liquor store and cash and carry in San Isidro Ward. She spoke with the owner to allow her and the kids to stay in the

second-floor space. The owner didn't allow kids nor adolescent in the area, but he was touched by the necessity and situation of Maralyn and her three adolescents of 15, 12, and 11 since she also lost her job at Lilly Pharmaceutical. His grandmother helped them to pay the studio that was a home for the four of them. Tommy remembers it was a time that he and his brothers didn't receive Christmas gifts because his mother couldn't afford Christmas presents. They received presents through the community Christmas activities. For Tommy it was not an issue, he in a short age understood the sacrifice of her mother and the importance to pay other things to survive in life. Tommy has this attitude to be humble and grateful.

Tommy developed this sense of life in a short age through a grateful heart learned through God, his mother, and his aunt. As Tommy says **“Not everything in life is material but what counts is the love that you have in life.”**

Eventually, his grandmother Madeline helped them obtain a house studio located in Loiza. She spoke with the owner of the house to buy the house for Maralyn and grandchildren. Tommy and his family moved to Loiza to Colombo Ward in Loiza, one of the special wards in need in Loiza among Miñi Miñi and Mediania. Madeline run with the costs of the rent. Tommy learned quickly how to adapt to the new community. He was very proactive towards playing and participating in activities. He remembers he enrolled himself into The Boys and Girls club and actively participated of their programs. He benefit from their games, studies classes, basketball teams, and other extracurricular activities.

Madeline paid off the Loiza house for Maralyn. During that time everything was getting better. Maralyn got employed by National Warehouse and her consensual partner David Gerena were formally living together.

Suddenly one day on an early morning of a Saturday in 2014, the police officers came and arrested Maralyn in front of Tommy. Maralyn was charged with a violation of domestic violence under Law 54. The police officers took Tommy with them and placed him in the same car where Maralyn was handcuffed. Tommy never missed a basketball game, but on that day, it was not the game he expected, and it was a traumatic experience for him. One that shook his sense of security.

His aunt Damaris took temporary custody of Tommy and his sister while Maralyn was in prison. It was no consolation to him, and he had a hard time sleeping and cried because he missed his mother profoundly. Tommy's father showed up, at the time he was living with woman in a public housing located in Canovanas. But he only took charge of Tommy and Kiara for a week.

Every Saturday Tommy and his grandmother went to visit his mother in Vega Alta State Correctional Institution except that for three Saturdays they weren't allowed to enter in the institution. Moreover, Tommy remembered celebrating his fourteen's birthday with his mom at jail and that she received him with a local cake that she confectioned for him. Tommy was trying to be strong and supportive, but he couldn't resist his frustration, sadness, and necessity for him to be with his mother. He was crying while hugging her.

During that time, Tommy looked for comfort more and more in Church. For Tommy to pray was comforting and hopeful. "I will ask for God to release her from prison". Tommy reached out to others and seek for transportation from Loiza to Canovanas to arrive to his church which was in San Isidro.

After her release, took classes weekly and was in compliance with the program. For Tommy to be reunited again with her mother was one of his best feelings in the world.

Three weeks after her release, Maralyn and David reunited. Tommy and her siblings were in shock that her mother received David at the house and they did not want him in the house. He was the man involved in his mother's imprisonment. For him it was a difficult situation to handle. He was mad and uncomfortable, but he and his siblings didn't have a voice nor a choice. They had to adapt and handle the situation because David was the provider and Maralyn was unemployed. She felt ashamed to speak with employers about her record, so she feared to look out for employment leaving her consensual partner in charge of the house.

To cope with the situation Tommy continued playing basketball and participating in Boys and Girls Club and continued at school obtaining A, B and C grades in his classes.



One year later his aunt, who took care of him and his siblings while his mother was in prison, who taught him the love of God and took him to Church, unpredictably attempted to take her life on September 8, 2015. Tommy was hopeful that his aunt was going to survive from her suicidal attempt, but unfortunately, she only lasted two weeks at the hospital and died. Tommy was 15 years old and in school. Maralyn informed the sad news after he finished his school day.

Tommy says that this was a life-changing situation, he felt he missed something and decided to cope his loss and pain with other friends of the community that were older than him. He stopped assisting to the church he used to go with his aunt. He decided to visit a church in Loiza near his ward "Iglesia del Valle" pastored by Pastor Luis Sanchez.

Tommy continued to be a good student committed and responsible in his classes. He was expecting to complete his high school, he enjoyed arts and music classes by playing the flute and

piano. When Tommy was in eleventh grade, he was visualizing himself to study a barber course at the vocational school, but Tommy didn't make it to enter in the program due to lack points to be accepted in the program. Subsequently his maternal grandmother offered him to study in United States in Pennsylvania, but the school did not keep him as a student. The Director rejected Tommy as a student due to the letter of transfer being redacted in Spanish and he had to come back to PR.

Tommy arrived to PR three days before Hurricane Maria. Their home was savagely ruined as Hurricane Maria blew out their ceiling and they lost everything including their clothes and school materials. Tommy and his family (mother, stepfather, and sister) had to sleep all together in the living room. When the schools re-opened after Maria, Tommy was not accepted at the Vocational School. There wasn't an opening slot for him at his school. Tommy was frustrated and disappointed because he didn't want to attend high school at La Velez Blanco High School located in Loiza since it was known to have violent incidents induce by the students from the area. Unfortunately, he had no other choice and was placed in that school.

He tried to do the best of the situation, he took the upholstery course and pastry course. He recognized that Math was a hard subject for him and he worked very hard to overcome this class. His teacher saw his commitment and hard work and offered to help by tutoring him after class. He accepted and committed himself to the tutoring and was able to pass the class.

### ***His High School Years and After***

Tommy continued to represent the community playing basketball representing the ward locally even though he never had the opportunity to participate in a professional nor regular basketball league not because of lack of ability but because his mother was not able to pay the



costs of the same and his father did not provide, not even when he asked for tennis shoes to play basketball. But Tommy had people that took care of him. A community leader Christian Perez, husband of Tommy's high school pastry teacher, helped him and in a sense adopted him in the basketball field. He trained Tommy for free at the professional basketball clinics. The caring by others in education and sports shows that they saw in him a potential, his good heart, his law-abiding lifestyle and humbleness and his struggle to keep ahead in life.



He continued working and was able to save money for his high school graduation, prom and cruise. At the age of 17 he was hired by KCS Kitchen Cleaning Services in maintenance, but they waited for him to be 18 to start his work. He began in housekeeping at the Marriot in Condado

He oversaw the laundry. Washing bed clothes and towels. He began working with his sister and brother-in-law. Tommy reunited \$800 and got his first car at the age of 18. He had his driver's license and learned to save money. After reporting a work incident, he was transferred to another hotel to a third shift from 10:00 PM to 6:00 AM instead of reprimanding the co-worker. He was placed in a rotative shift to other hotels and eventually became frustrated with the unfairness and decided to resign.

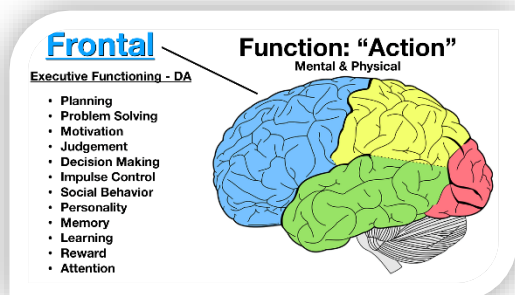
Tommy did not stop there in his perseverance to get ahead in life even though he was still a teenager, he refused to work in the streets when offered because it was against his values and obtained work in Coco Beach Resort fixing the hotel gates, painting, and removing painting. He valued to earn his money with hard work as was taught by his grandmother. For Tommy it was never an option to be part of the streets. He continued with education and work ethics when the hotel job was no longer available by enrolling in a gypsum board course. As part of his education,

he enrolled in the gypsum board installation course being provided by the Peace and Development Program from Taller Salud in Canóvanas. As a student he provided volunteer community service working on the renovation of a rehabilitation center.

Tommy felt he needed to have protection because he did not feel secure in the area that he was living, because “Loiza is a place where everything could be good and tomorrow anyone could be attacked at any time.” As he looks back in explaining to himself and introspection he recognizes his mistake, that he was ignorant and reflected on his lack of mentality at the time by being with other individuals that were not a good influence he did not stop to think of the consequences of his actions even though he was working hard on his education. Tommy’s description of his actions is consonant to the level of maturity at the age of 19.

*So young and not mature yet*

This is the time when life paths become increasingly conflicting as young people make choices in pursuing their goals. These pathways are experimental



and temporary. As many other adolescents, Tommy was transitioning into adulthood in a psychosocial behavioral aspect. Some theorist said “the odyssey years” a time of wandering on the path to maturity<sup>1</sup>.

The human development and neuroscience experts validate that in this phase the brain still maturing, especially the administrative part and decision-making capacities of the frontal cortex. Adolescence commences to develop new abilities for reflection,

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<sup>1</sup> Newman & Newman (2015) Development through life: A psychosocial approach. Later adolescence (18-24 years)

problem solving, and planning while going through a period of exploration, experimentation, and self-development.

Tommy's arrest was the "odyssey of his life" and a turning point in his short life. Since then he has reflected hard and made better decisions in his life. He valued what is important and who are good company to have and who not. During his time in bond she has shown that his reflection about his mistake, has long thing about the consequences of his actions and has been working hard on his rehabilitation.

#### *Rehabilitation while on Bond*

Tommy's actions speaks louder than words. While on bond he continued with his studies and got his certification of completion for 114 hours in learning skills working with gypsum board. He was offered a job by one of his mentor's, Omar Arroyo but since his business was not registered, he could not work with him. After his graduation Tommy secured employment at Carlos Facia by looking through social media about job opportunities and provided a letter for employment to the Probation Office. While making efforts to secure work, he invested time in learning about the Crypto marketing movement and decided to make efforts to enroll in the university and to do voluntary work. By October 15, 2021 Taller Salud offered the opportunity to work and serve the community. He was offered to work four hours per day and 2 hours of voluntary work. Some of



his works are contained in the accompanying pictures.

Tommy got an orientation at



the NUC University, Los Colobos Division during the past month about the requirements to continue his studies.

All his rehabilitation efforts happened because the court allow him to be on bond during his legal process providing the opportunity for Tommy to show that he is not a threat or a danger to the community. And Tommy responded in kind to the court's given opportunity by showing that he can integrate into society and live a law-abiding life, that he has ethical and moral values and that in essence he committed a mistake that does not define who he is. The court can continue helping Tommy in his integration to society by sentencing him to a Probation Sentence and allow him to continue with his education and work. Hi plans to have his own business in gypsum board and continue with voluntary work.

**WHEREFORE**, it is respectfully requested that this Honorable Court take notice of the above and sentence Mr. Casillas to a Probation term of 3 years.

**I HEREBY CERTIFY** that on this date I electronically filed the present motion with the Clerk of Court using the CM/ECF system that will send electronic notification of said filing to all parties of record.

**RESPECTFULLY SUBMITTED**

In San Juan, Puerto Rico, this 3<sup>rd</sup> day of November 2021.

**ERIC A. VOS**  
**Federal Public Defender**  
**District of Puerto Rico**

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